

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SAINT-GOBAIN ABRASIVES, INC.,

Plaintiff,

v.

KOHLER CO.,

Defendant.

CIVIL ACTION NO. 04-40199

**ASSENTED TO MOTION BY THE DEFENDANT TO EXTEND TIME  
WITHIN WHICH TO RESPOND TO THE PLAINTIFF'S COMPLAINT**

Now comes the Defendant, Kohler Co. (hereinafter the "Defendant"), and respectfully requests, pursuant to Rule 7.1 of the Local Rules of the United States District Court for the District of Massachusetts, that this Court grant it an extension of time to November 30, 2004 within which to answer or otherwise respond to the Plaintiff's Complaint dated October 6, 2004. In support of this assented-to Motion, the Defendant states:

1. The Plaintiff filed this action on October 6, 2004.
2. The Defendant's response to the Plaintiff's Complaint is due to be served and filed on or before November 10, 2004. See Docket dated Oct. 27, 2004.
3. The Defendant is in need of additional time beyond November 10, 2004 to prepare either a motion or pleading in response to the Complaint.
4. Counsel for the Defendant is scheduled to appear for trial in another matter on November 8, 2004 and requires adequate time to prepare for same.
5. Counsel for the Defendant has recently been retained to represent the Defendant in this case.
6. Sufficient time to consult with the Defendant is necessary for counsel's preparation of the Defendant's response to the Plaintiff's allegations.
7. Opposing counsel assents to the Defendant's requested extension.

8. The extension prayed for will not interfere or conflict with any court proceedings in this matter.
9. Inasmuch as the relief sought by the Defendant herein is within the sound discretion of the court, no memorandum of law is necessary.

WHEREFORE, the Defendant respectfully requests that the Court grant the Defendant an extension of time up to and including November 30, 2004, within which to file an answer or other response permitted under applicable rules of court.

Respectfully submitted,  
KOHLER CO.  
By its attorneys,

/s/ Sara Discepolo  
George C. Rockas, BBO#544009  
Sara Discepolo, BBO #628721  
WILSON, ELSE, MOSKOWITZ,  
EDELMAN & DICKER, LLP  
155 Federal Street  
Boston, MA 02110  
(617) 422-5300

Dated: November 3, 2004

RULE 7.1 CERTIFICATION

The undersigned certifies that a conference concerning the above Motion took place with opposing counsel in a good faith attempt to resolve or narrow the issues and opposing counsel assents to the above Motion.

/s/ Sara Discepolo  
Sara Discepolo  
Counsel to the Defendant, Kohler Co.

CERTIFICATE OF SERVICE

I, Sara Discepolo, hereby certify that I electronically filed the foregoing *Assented to Motion by the Defendant to Extend Time Within Which to Respond to the Complaint* on this 3rd day of November 2004, and served courtesy copies to all pro se parties/counsel of record by mailing a copy of the same, via first class mail, postage prepaid to:

Robert L. Hamer, Esq.  
Michele P. Rosano, Esq.  
Mirick, O'Connell, DeMallie & Lougee,  
LLP  
100 Front Street  
Worcester, MA 01608-1477

/s/ Sara Discepolo  
Sara Discepolo